



General Assembly

February Session, 2006

Amendment

LCO No. 4325

HB0501104325HDO

Offered by:
REP. CARDIN, 53rd Dist.

To: Subst. House Bill No. 5011

File No. 456

Cal. No. 304

"AN ACT EXTENDING FAMILY AND MEDICAL LEAVE TO FOSTER PARENTS WHO ARE STATE EMPLOYEES."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. Section 17a-91 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2006*):

5 The Commissioner of Children and Families shall report, on
6 February fifteenth annually, to the Governor and to the joint standing
7 committees of the General Assembly having cognizance of matters
8 relating to human services, the judiciary and human rights and
9 opportunities, with respect to the status, (1) as of the January first
10 preceding, of all children committed to the commissioner's custody,
11 including in such report the date of commitment with respect to each
12 child, and (2) of the central registry and monitoring system established
13 in accordance with subsection [(d)] (c) of section 17a-110, as amended
14 by this act.

15 Sec. 502. Section 17a-110 of the general statutes is repealed and the
16 following is substituted in lieu thereof (*Effective October 1, 2006*):

17 (a) As used in this section, "child" means a person under the age of
18 eighteen years; "foster child" means a child placed temporarily in a
19 home [,] pending permanent placement; "permanent home" means a
20 home for a child with the child's genetic or adoptive parents or the
21 child's legal guardian considered to be such child's permanent
22 residence; and "permanency placement services" means services that
23 are designed and rendered for the purpose of relocating a foster child
24 with such child's legal family or finding a permanent home for such
25 child, including, but not limited to, the following: (1) Treatment
26 services for the child and the genetic family; (2) preplacement
27 planning; (3) appropriate court proceedings to effect permanent
28 placement, including, but not limited to, the following: (A)
29 Termination of parental rights; (B) revocation of commitment; (C)
30 removal or reinstatement of guardianship; (D) temporary custody; (4)
31 recruitment and screening of permanent placement homes; (5) home
32 study and evaluation of permanent placement homes; (6) placement of
33 children in permanent homes; (7) postplacement supervision and
34 services to such homes following finalization of such placements in the
35 courts; and (8) other services routinely performed by caseworkers
36 doing similar work in the Department of Children and Families.

37 [(b) At a hearing held in accordance with subsection (k) of section
38 46b-129 and section 17a-111b, the court shall determine the
39 appropriateness of continuing efforts to reunify a child with the child's
40 family. If the court finds that such efforts are not appropriate, the
41 Department of Children and Families shall within sixty days of such
42 finding either (1) file a petition for the termination of parental rights,
43 (2) file a motion to revoke the commitment and vest the custody and
44 guardianship of the child on a permanent or long-term basis in an
45 appropriate individual or couple, or (3) file a written permanency plan
46 with the court for permanent or long-term foster care, which plan shall
47 include an explanation of the reason that neither termination of
48 parental rights nor custody and guardianship is appropriate for the

49 child. The court shall promptly convene a hearing for the purpose of
50 reviewing such written plan. When the court finds that the efforts to
51 reunify a child with the child's family are not appropriate, the
52 department shall use its best efforts to maintain such child in the initial
53 out-of-home placement, provided the department determines that such
54 placement is in the best interests of the child, until such time as a
55 permanent home for the child is found or the child is placed for
56 adoption. If the permanency plan calls for placing the child for
57 adoption or in some other permanent home, good faith efforts shall be
58 made to place the child for adoption or in some other alternative
59 home.]

60 [(c)] (b) Not later than January 1, 2000, the Department of Children
61 and Families shall adopt regulations, in accordance with chapter 54, to
62 establish standards for permanency plans which shall include, but not
63 be limited to: (1) Assessment of kin, foster parents or other potential
64 adoptive parents for adopting a child; (2) preparing children for
65 adoption; (3) collaboration between family foster care services and
66 adoption services; (4) transracial and cross-racial adoption; (5) open
67 adoption; and (6) foster care and adoption subsidies.

68 [(d)] (c) Not later than January 1, 2000, the Department of Children
69 and Families shall, within available appropriations, establish and
70 maintain (1) a central registry of all children for whom a permanency
71 plan has been formulated and in which adoption is recommended, and
72 (2) a system to monitor the progress in implementing the permanency
73 plan for such children.

74 [(e)] (d) Whenever the Commissioner of Children and Families
75 deems it necessary or advisable in order to carry out the purposes of
76 this section, the commissioner may contract with any private
77 child-placing agency, as defined in section 45a-707, for a term of not
78 less than three years and not more than five years, to provide any one
79 or more permanency placement services on behalf of the Department
80 of Children and Families. Whenever any contract is entered into under
81 this section [which] that requires private agencies to perform casework

82 services, such as the preparation of applications and petitions for
83 termination of parental rights, guardianship or other custodial matters,
84 or [which] that requires court appearances, the Attorney General shall
85 provide legal services for the Commissioner of Children and Families
86 notwithstanding that some of the services have been performed by
87 caseworkers of private agencies, except that no such legal services shall
88 be provided unless the Commissioner of Children and Families is a
89 legal party to any court action [hereunder] under this section.

90 [(f)] (e) The Commissioner of Children and Families may accept
91 funds from any source to implement the provisions of this section.

92 Sec. 503. Section 17a-111b of the general statutes is repealed and the
93 following is substituted in lieu thereof (*Effective October 1, 2006*):

94 (a) The Commissioner of Children and Families shall make
95 reasonable efforts to reunify a parent with a child unless the court (1)
96 determines that such efforts are not required pursuant to subsection
97 (b) of this section or subsection (j) of section 17a-112, as amended by
98 this act, or (2) has approved a permanency plan other than
99 reunification pursuant to subsection (k) of section 46b-129, as amended
100 by this act.

101 [(a)] (b) The Commissioner of Children and Families or any other
102 party may, at any time, [petition] file a motion with the court for a
103 determination [on whether] that reasonable efforts to reunify the
104 parent with the child are [appropriate] not required. The court shall
105 hold an evidentiary hearing on the [petition within thirty days of]
106 motion not later than thirty days after the filing of the [petition]
107 motion or may consolidate the hearing with a trial on a petition to
108 terminate parental rights pursuant to section 17a-112, as amended by
109 this act. The court may determine that such efforts are not
110 [appropriate] required if the court finds upon clear and convincing
111 evidence that: (1) The parent has subjected the child to the following
112 aggravated circumstances: (A) The child has been abandoned, as
113 defined in subsection (j) of section 17a-112, as amended by this act; or

114 (B) the parent has inflicted or knowingly permitted another person to
115 inflict sexual molestation or exploitation or severe physical abuse on
116 the child or engaged in a pattern of abuse of the child; (2) the parent
117 has killed, through deliberate, nonaccidental act, another child of the
118 parent or a sibling of the child, or has [required] requested,
119 commanded, importuned, attempted, conspired or solicited to commit
120 or knowingly permitted another person to commit the killing of the
121 child, another child of the parent or sibling of the child, or has
122 committed or knowingly permitted another person to commit an
123 assault, through deliberate, nonaccidental act, that resulted in serious
124 bodily injury of the child, another child of the parent or a sibling of the
125 child; (3) the parental rights of the parent to a sibling have been
126 [involuntarily] terminated within three years of the filing of a petition
127 pursuant to this section, provided the commissioner has made
128 reasonable efforts to reunify the parent with the child during a period
129 of at least ninety days; (4) the parent was convicted by a court of
130 competent jurisdiction of sexual assault, except a conviction of a
131 violation of section 53a-71 or 53a-73a resulting in the conception of the
132 child; or (5) the child was placed in the care and control of the
133 commissioner pursuant to the provisions of sections 17a-57 to 17a-61,
134 inclusive.

135 [(b)] (c) If the court [determined] determines that such efforts are
136 not [appropriate] required, the court shall, at such hearing or at a
137 hearing held not later than thirty days [from] after such determination,
138 approve a permanency plan for such child. [which] The plan may
139 include (1) adoption and a requirement that the commissioner file a
140 petition to terminate parental rights, (2) long-term foster care [,
141 independent living,] with a relative licensed as a foster parent or
142 certified as a relative caregiver, (3) transfer of guardianship, or
143 [adoption] (4) such other planned permanent living arrangement as
144 may be ordered by the court, provided the commissioner has
145 documented a compelling reason why it would not be in the best
146 interests of the child for the permanency plan to include one of the
147 options set forth in subdivisions (1) to (3), inclusive, of this subsection.

148 The child's health and safety shall be of paramount concern in
149 formulating such plan.

150 (d) If the court determines that reasonable efforts to reunify the
151 parent with the child are not required, the Department of Children and
152 Families shall use its best efforts to maintain the child in the initial out-
153 of-home placement, provided the department determines that such
154 placement is in the best interests of the child, until such time as a
155 permanent home for the child is found or the child is placed for
156 adoption. If the permanency plan calls for placing the child for
157 adoption or in some other permanent home, good faith efforts shall be
158 made to place the child for adoption or in some other permanent
159 home.

160 Sec. 504. Subsection (j) of section 17a-112 of the general statutes is
161 repealed and the following is substituted in lieu thereof (*Effective*
162 *October 1, 2006*):

163 (j) The Superior Court, upon [hearing and] notice and hearing as
164 provided in sections 45a-716 and 45a-717, may grant a petition filed
165 pursuant to this section if it finds by clear and convincing evidence
166 [(1)] that (1) the Department of Children and Families has made
167 reasonable efforts to locate the parent and to reunify the child with the
168 parent in accordance with subsection (a) of section 17a-111b, as
169 amended by this act, unless the court finds in this proceeding that the
170 parent is unable or unwilling to benefit from reunification efforts,
171 [provided] except that such finding is not required if the court has
172 determined at a hearing pursuant to [subsection (b) of section 17a-110
173 or] section 17a-111b, as amended by this act, or determines at trial on
174 the petition, that such efforts are not [appropriate, (2) that] required,
175 (2) termination is in the best interest of the child, and (3) [that:] (A)
176 [The] the child has been abandoned by the parent in the sense that the
177 parent has failed to maintain a reasonable degree of interest, concern
178 or responsibility as to the welfare of the child; (B) the child (i) has been
179 found by the Superior Court or the Probate Court to have been
180 neglected or uncared for in a prior proceeding, or (ii) is found to be

181 neglected or uncared for and has been in the custody of the
182 commissioner for at least fifteen months and the parent of such child
183 has been provided specific steps to take to facilitate the return of the
184 child to the parent pursuant to section 46b-129, as amended by this act,
185 and has failed to achieve such degree of personal rehabilitation as
186 would encourage the belief that within a reasonable time, considering
187 the age and needs of the child, such parent could assume a responsible
188 position in the life of the child; (C) the child has been denied, by reason
189 of an act or acts of parental commission or omission including, but not
190 limited to, sexual molestation or exploitation, severe physical abuse or
191 a pattern of abuse, the care, guidance or control necessary for the
192 child's physical, educational, moral or emotional well-being. [.
193 Nonaccidental] except that nonaccidental or inadequately explained
194 serious physical injury to a child shall constitute prima facie evidence
195 of acts of parental commission or omission sufficient for the
196 termination of parental rights; (D) there is no ongoing parent-child
197 relationship, which means the relationship that ordinarily develops as
198 a result of a parent having met on a day-to-day basis the physical,
199 emotional, moral and educational needs of the child and to allow
200 further time for the establishment or reestablishment of such
201 parent-child relationship would be detrimental to the best interest of
202 the child; (E) the parent of a child under the age of seven years who is
203 neglected or uncared for, has failed, is unable or is unwilling to achieve
204 such degree of personal rehabilitation as would encourage the belief
205 that within a reasonable period of time, considering the age and needs
206 of the child, such parent could assume a responsible position in the life
207 of the child and such parent's parental rights of another child were
208 previously terminated pursuant to a petition filed by the
209 Commissioner of Children and Families; (F) the parent has killed
210 through deliberate, nonaccidental act another child of the parent or has
211 requested, commanded, importuned, attempted, conspired or solicited
212 such killing or has committed an assault, through deliberate,
213 nonaccidental act that resulted in serious bodily injury of another child
214 of the parent; or (G) the parent was convicted as an adult or a
215 delinquent by a court of competent jurisdiction of a sexual assault

216 resulting in the conception of the child, except a conviction for a
217 violation of section 53a-71 or 53a-73a, provided the court may
218 terminate such parent's parental rights to such child at any time after
219 such conviction.

220 Sec. 505. Subsection (o) of section 17a-112 of the general statutes is
221 repealed and the following is substituted in lieu thereof (*Effective*
222 *October 1, 2006*):

223 (o) In the case where termination of parental rights is granted, the
224 guardian of the person or statutory parent shall report to the court
225 [within] not later than thirty days [of] after the date judgment is
226 entered on a case plan, as defined by the federal Adoption Assistance
227 and Child Welfare Act of 1980, for the child which shall include
228 measurable objectives and time schedules. At least every three months
229 thereafter, such guardian or statutory parent shall make a report to the
230 court on the progress made on implementation of the plan. The court
231 may convene a hearing upon the filing of a report and shall convene [a
232 hearing] and conduct a permanency hearing pursuant to subsection (k)
233 of section 46b-129, as amended by this act, for the purpose of
234 reviewing the permanency plan for the child no more than twelve
235 months from the date judgment is entered or from the date of the last
236 permanency hearing held pursuant to subsection (k) of section 46b-
237 129, as amended by this act, whichever is earlier, and at least once a
238 year thereafter [until the court determines that the adoption plan has
239 become finalized] while the child remains in the custody of the
240 Commissioner of Children and Families. For children where the
241 commissioner has determined that adoption is appropriate, the report
242 on the implementation of the plan shall include a description of the
243 reasonable efforts the department is taking to promote and expedite
244 the adoptive placement and to finalize the adoption of the child,
245 including documentation of child specific recruitment efforts. At such
246 hearing, the court shall determine whether the department has made
247 reasonable efforts to achieve the permanency plan. If the court
248 determines that the department has not made reasonable efforts to
249 place a child in an adoptive placement or that reasonable efforts have

250 not resulted in the placement of the child, the court may order the
251 Department of Children and Families, within available appropriations,
252 to contract with a child-placing agency to arrange for the adoption of
253 the child. The department, as statutory parent, shall continue to
254 provide care and services for the child while a child-placing agency is
255 arranging for the adoption of the child.

256 Sec. 506. Section 46b-129 of the general statutes is repealed and the
257 following is substituted in lieu thereof (*Effective October 1, 2006*):

258 (a) Any selectman, town manager, or town, city [,] or borough
259 welfare department, any probation officer, or the Commissioner of
260 Social Services, the Commissioner of Children and Families or any
261 child-caring institution or agency approved by the Commissioner of
262 Children and Families, a child or such child's representative or
263 attorney or a foster parent of a child, having information that a child or
264 youth is neglected, uncared-for or dependent, may file with the
265 Superior Court [which] that has venue over such matter a verified
266 petition plainly stating such facts as bring the child or youth within the
267 jurisdiction of the court as neglected, uncared-for [,] or dependent,
268 within the meaning of section 46b-120, as amended, the name, date of
269 birth, sex [,] and residence of the child or youth, the name and
270 residence of such child's parents or guardian, and praying for
271 appropriate action by the court in conformity with the provisions of
272 this chapter. Upon the filing of such a petition, except as otherwise
273 provided in subsection (k) of section 17a-112, the court shall cause a
274 summons to be issued requiring the parent or parents or the guardian
275 of the child or youth to appear in court at the time and place named,
276 which summons shall be served not less than fourteen days before the
277 date of the hearing in the manner prescribed by section 46b-128, and
278 [said] the court shall further give notice to the petitioner and to the
279 Commissioner of Children and Families of the time and place when
280 the petition is to be heard not less than fourteen days prior to the
281 hearing in question.

282 (b) If it appears from the specific allegations of the petition and

283 other verified affirmations of fact accompanying the petition and
284 application, or subsequent thereto, that there is reasonable cause to
285 believe that (1) the child or youth is suffering from serious physical
286 illness or serious physical injury or is in immediate physical danger
287 from the child's or youth's surroundings, and (2) that as a result of said
288 conditions, the child's or youth's safety is endangered and immediate
289 removal from such surroundings is necessary to ensure the child's or
290 youth's safety, the court shall either (A) issue an order to the parents or
291 other person having responsibility for the care of the child or youth to
292 appear at such time as the court may designate to determine whether
293 the court should vest in some suitable agency or person the child's or
294 youth's temporary care and custody pending disposition of the
295 petition, or (B) issue an order ex parte vesting in some suitable agency
296 or person the child's or youth's temporary care and custody. A
297 preliminary hearing on any ex parte custody order or order to appear
298 issued by the court shall be held [within] not later than ten days [from]
299 after the issuance of such order. The service of such orders may be
300 made by any officer authorized by law to serve process, or by any
301 probation officer appointed in accordance with section 46b-123,
302 investigator from the Department of Administrative Services, state or
303 local police officer or indifferent person. Such orders shall include a
304 conspicuous notice to the respondent written in clear and simple
305 language containing at least the following information: (i) That the
306 order contains allegations that conditions in the home have
307 endangered the safety and welfare of the child or youth; (ii) that a
308 hearing will be held on the date on the form; (iii) that the hearing is the
309 opportunity to present the parents' position concerning the alleged
310 facts; (iv) that an attorney will be appointed for parents who cannot
311 afford an attorney; (v) that such parents may apply for a court-
312 appointed attorney by going in person to the court address on the form
313 and are advised to go as soon as possible in order for the attorney to
314 prepare for the hearing; and (vi) if such parents have any questions
315 concerning the case or appointment of counsel, any such parent is
316 advised to go to the court or call the clerk's office at the court as soon
317 as possible. Upon application for appointed counsel, the court shall

318 promptly determine eligibility and, if the respondent is eligible,
319 promptly appoint counsel. The expense for any temporary care and
320 custody shall be paid by the town in which such child or youth is at
321 the time residing, and such town shall be reimbursed [therefor] for
322 such expense by the town found liable for the child's or youth's
323 support, except that where a state agency has filed a petition pursuant
324 to the provisions of subsection (a) of this section, the agency shall pay
325 such expense. The agency shall give primary consideration to placing
326 the child or youth in the town where such child or youth resides. The
327 agency shall file in writing with the clerk of the court the reasons for
328 placing the child or youth in a particular placement outside the town
329 where the child or youth resides. Upon issuance of an ex parte order,
330 the court shall provide to the commissioner and the parent or guardian
331 specific steps necessary for each to take to address the ex parte order
332 for the parent or guardian to retain or regain custody of the child or
333 youth. Upon the issuance of such order, or not later than sixty days
334 after the issuance of such order, the court shall make a determination
335 whether the Department of Children and Families made reasonable
336 efforts to keep the child or youth with his or her parents or guardian
337 prior to the issuance of such order and, if such efforts were not made,
338 whether such reasonable efforts were not possible, taking into
339 consideration the child's or youth's best interests, including the child's
340 or youth's health and safety.

341 (c) In any proceeding under this section, any grandparent of the
342 child may make a motion to intervene and the court shall grant such
343 motion except for good cause shown. Upon the granting of such
344 motion, such grandparent may appear by counsel or in person.

345 (d) The preliminary hearing on the order of temporary custody or
346 order to appear or the first hearing on a petition filed pursuant to
347 subsection (a) of this section shall be held in order for the court to: (1)
348 Advise the parent or guardian of the allegations contained in all
349 petitions and applications that are the subject of the hearing; (2) assure
350 that an attorney, and where appropriate, a separate guardian ad litem
351 has been appointed to represent the child or youth in accordance with

352 [section] sections 46b-129a and [section] 46b-136; (3) upon request,
353 appoint an attorney to represent the respondent when the respondent
354 is unable to afford representation, as determined by the court; (4)
355 advise the parent or guardian of the right to a hearing on the petitions
356 and applications, to be held [within] not later than ten days [from]
357 after the date of the preliminary hearing if the hearing is pursuant to
358 an order of temporary custody or an order to show cause; (5) accept a
359 plea regarding the truth of such allegations; (6) make any interim
360 orders, including visitation, that the court determines are in the best
361 interests of the child or youth. The court, after a hearing pursuant to
362 this subsection, shall order specific steps the commissioner and the
363 parent or guardian shall take for the parent or guardian to regain or to
364 retain custody of the child or youth; (7) take steps to determine the
365 identity of the father of the child or youth, including ordering genetic
366 testing, if necessary, and order service of the petition and notice of the
367 hearing date, if any, to be made upon him; (8) if the person named as
368 the father appears, and admits that he is the father, provide him and
369 the mother with the notices [which] that comply with section 17b-27
370 and provide them with the opportunity to sign a paternity
371 acknowledgment and affirmation on forms [which] that comply with
372 section 17b-27. [These] Such documents shall be executed and filed in
373 accordance with chapter 815y and a copy delivered to the clerk of the
374 superior court for juvenile matters; and (9) in the event that the person
375 named as a father appears and denies that he is the father of the child
376 or youth, advise him that he may have no further standing in any
377 proceeding concerning the child, and either order genetic testing to
378 determine paternity or direct him to execute a written denial of
379 paternity on a form promulgated by the Office of the Chief Court
380 Administrator. Upon execution of such a form by the putative father,
381 the court may remove him from the case and afford him no further
382 standing in the case or in any subsequent proceeding regarding the
383 child or youth until such time as paternity is established by formal
384 acknowledgment or adjudication in a court of competent jurisdiction.

385 (e) If any parent or guardian fails, after service of such order, to

386 appear at the preliminary hearing, the court may enter or sustain an
387 order of temporary custody.

388 (f) Upon request, or upon its own motion, the court shall schedule a
389 hearing on the order for temporary custody or the order to show cause
390 to be held [within] not later than ten days [from] after the date of the
391 preliminary hearing. Such hearing shall be held on consecutive days
392 except for compelling circumstances or at the request of the parent or
393 guardian.

394 (g) At a contested hearing on the order for temporary custody or
395 order to appear, credible hearsay evidence regarding statements of the
396 child or youth made to a mandated reporter or to a parent may be
397 offered by the parties and admitted by the court upon a finding that
398 the statement is reliable and trustworthy and that admission of such
399 statement is reasonably necessary. A signed statement executed by a
400 mandated reporter under oath may be admitted by the court without
401 the need for the mandated reporter to appear and testify unless called
402 by a respondent or the child, provided the statement: (1) Was provided
403 at the preliminary hearing and promptly upon request to any counsel
404 appearing after the preliminary hearing; (2) reasonably describes the
405 qualifications of the reporter and the nature of his contact with the
406 child; and (3) contains only the direct observations of the reporter, and
407 statements made to the reporter that would be admissible if the
408 reporter were to testify to them in court and any opinions reasonably
409 based thereupon. If a respondent or the child gives notice at the
410 preliminary hearing that he intends to cross-examine the reporter, the
411 person filing the petition shall make the reporter available for such
412 examination at the contested hearing.

413 (h) If any parent or guardian fails, after due notice of the hearing
414 scheduled pursuant to subsection (g) of this section and without good
415 cause, to appear at the scheduled date for a contested hearing on the
416 order of temporary custody or order to appear, the court may enter or
417 sustain an order of temporary custody.

418 (i) When a petition is filed in said court for the commitment of a
419 child or youth, the Commissioner of Children and Families shall make
420 a thorough investigation of the case and shall cause to be made a
421 thorough physical and mental examination of the child or youth if
422 requested by the court. The court after hearing may also order a
423 thorough physical or mental examination, or both, of a parent or
424 guardian whose competency or ability to care for a child or youth
425 before the court is at issue. The expenses incurred in making such
426 physical and mental examinations shall be paid as costs of
427 commitment are paid.

428 (j) Upon finding and adjudging that any child or youth is uncared-
429 for, neglected or dependent, the court may commit such child or youth
430 to the Commissioner of Children and Families. Such commitment shall
431 remain in effect until further order of the court, [pursuant to the
432 provisions of subsection (k) of this section, provided] except that such
433 commitment may be revoked or parental rights terminated at any time
434 by the court, or the court may vest such child's or youth's care and
435 personal custody in any private or public agency [which] that is
436 permitted by law to care for neglected, uncared-for or dependent
437 children or youth or with any person or persons found to be suitable
438 and worthy of such responsibility by the court. The court shall order
439 specific steps [which] that the parent must take to facilitate the return
440 of the child or youth to the custody of such parent. The commissioner
441 shall be the guardian of such child or youth for the duration of the
442 commitment, provided the child or youth has not reached the age of
443 eighteen years or, in the case of a child or youth in full-time attendance
444 in a secondary school, a technical school, a college or a state-accredited
445 job training program, provided such child or youth has not reached the
446 age of twenty-one years, by consent of such youth, or until another
447 guardian has been legally appointed, and in like manner, upon such
448 vesting of the care of such child or youth, such other public or private
449 agency or individual shall be the guardian of such child or youth until
450 such child or youth has reached the age of eighteen years or, in the
451 case of a child or youth in full-time attendance in a secondary school, a

452 technical school, a college or a state-accredited job training program,
453 until such child or youth has reached the age of twenty-one years or
454 until another guardian has been legally appointed. [Said] The
455 commissioner may place any child or youth so committed to the
456 commissioner in a suitable foster home or in the home of a person
457 related by blood to such child or youth or in a licensed child-caring
458 institution or in the care and custody of any accredited, licensed or
459 approved child-caring agency, within or without the state, provided a
460 child shall not be placed outside the state except for good cause and
461 unless the parents or guardian of such child are notified in advance of
462 such placement and given an opportunity to be heard, or in a receiving
463 home maintained and operated by the Commissioner of Children and
464 Families. In placing such child or youth, [said] the commissioner shall,
465 if possible, select a home, agency, institution or person of like religious
466 faith to that of a parent of such child or youth, if such faith is known or
467 may be ascertained by reasonable inquiry, provided such home
468 conforms to the standards of said commissioner and the commissioner
469 shall, when placing siblings, if possible, place such children together.
470 As an alternative to commitment, the court may place the child or
471 youth in the custody of the parent or guardian with protective
472 supervision by the Commissioner of Children and Families subject to
473 conditions established by the court. Upon the issuance of an order
474 committing the child or youth to the Commissioner of Children and
475 Families, or not later than sixty days after the issuance of such order,
476 the court shall [make a determination] determine whether the
477 Department of Children and Families made reasonable efforts to keep
478 the child or youth with his or her parents or guardian prior to the
479 issuance of such order and, if such efforts were not made, whether
480 such reasonable efforts were not possible, taking into consideration the
481 child's or youth's best interests, including the child's or youth's health
482 and safety.

483 (k) (1) Nine months after placement of the child or youth in the care
484 and custody of the commissioner pursuant to a voluntary placement
485 agreement, or removal of a child or youth pursuant to section 17a-

486 101g, as amended, or an order issued by a court of competent
487 jurisdiction, whichever is earlier, the commissioner shall file a motion
488 for review of a permanency plan. [and to maintain or revoke the
489 commitment.] Nine months after a permanency plan has been
490 approved by the court pursuant to this subsection, the commissioner
491 shall file a motion for review of the permanency plan. [and to maintain
492 or revoke the commitment.] Any party seeking to oppose the
493 commissioner's permanency plan [or the maintaining or revocation of
494 commitment] shall file a motion in opposition [within] not later than
495 thirty days after the filing of the commissioner's motion for review of
496 the permanency plan, [and to maintain or revoke commitment] which
497 motion shall include the reason therefor. A permanency hearing on
498 any motion for review of the permanency plan [and to maintain or
499 revoke commitment] shall be held [within] not later than ninety days
500 [of] after the filing of such motion. The court shall hold evidentiary
501 hearings in connection with any contested motion for review of the
502 permanency plan. [and to maintain or revoke commitment. The
503 burden of proof shall be upon the commissioner to establish that the
504 commitment should be maintained.] The commissioner shall have the
505 burden of proving that the proposed permanency plan is in the best
506 interests of the child or youth. After the initial permanency hearing,
507 subsequent permanency hearings shall be held not less frequently than
508 every twelve months while the child or youth remains in the custody
509 of the Commissioner of Children and Families. The court shall provide
510 notice to the child or youth, and the parent or guardian of such child or
511 youth of the time and place of the court hearing on any such motion
512 not less than fourteen days prior to such hearing.

513 [(2) At a permanency hearing held in accordance with the
514 provisions of subdivision (1) of this subsection, the court shall
515 determine whether it is appropriate to continue to make reasonable
516 efforts to reunify the child or youth with the parent, unless the court
517 has previously determined that such efforts are not appropriate
518 pursuant to this subdivision or section 17a-111b. In making this
519 determination, the court shall consider the best interests of the child,

520 including the child's need for permanency. If the court finds upon clear
521 and convincing evidence that further efforts are not appropriate, the
522 commissioner has no duty to make further efforts to reunify the child
523 or youth with the parent. If the court finds that further efforts are
524 appropriate, such efforts shall ensure that the child or youth's health
525 and safety are protected and such efforts shall be specified by the
526 court, including the services to be provided to the parent, what steps
527 the parent may take to address the problem that prevents the child or
528 youth from safely reuniting with the parent and a time period, not
529 longer than six months, for such steps to be accomplished.]

530 [(3)] (2) At a permanency hearing held in accordance with the
531 provisions of subdivision (1) of this subsection, the court shall approve
532 a permanency plan that is in the best interests of the child or youth and
533 takes into consideration the child's or youth's need for permanency.
534 The child's or youth's health and safety shall be of paramount concern
535 in formulating such plan. Such permanency plan may include the goal
536 of (A) revocation of commitment and [placement] reunification of the
537 child or youth with the parent or guardian, with or without protective
538 supervision; (B) transfer of guardianship; (C) long-term foster care
539 with a relative licensed as a foster parent or certified as a relative
540 caregiver; (D) adoption and filing of termination of parental rights; or
541 (E) such other planned permanent living arrangement ordered by the
542 court, provided the Commissioner of Children and Families has
543 documented a compelling reason why it would not be in the best
544 interest of the child or youth for the permanency plan to include the
545 goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such
546 other planned permanent living arrangement may include, but not be
547 limited to, placement of a child or youth in an independent living
548 program or long term foster care with an identified foster parent.

549 [(4)] (3) At a permanency hearing held in accordance with the
550 provisions of subdivision (1) of this subsection, the court shall review
551 the status of the child, the progress being made to implement the
552 permanency plan, determine a timetable for attaining the permanency
553 plan, determine the services to be provided to the parent if the court

554 approves a permanency plan of reunification and the timetable for
555 such services, and determine whether the commissioner has made
556 reasonable efforts to achieve the permanency plan. [The court shall
557 maintain commitment if it is in the best interests of the child or youth.]
558 The court [shall] may revoke commitment if a cause for commitment
559 no longer exists and it is in the best interests of the child or youth.

560 [(5)] (4) If the court approves the permanency plan of adoption: (A)
561 The Commissioner of Children and Families shall file a petition for
562 termination of parental rights not later than sixty days after such
563 approval if such petition has not previously been filed; (B) the
564 commissioner may conduct a thorough adoption assessment and
565 child-specific recruitment; and [(B)] (C) the court may order that the
566 child be photo-listed within thirty days if the court determines that
567 such photo-listing is in the best interest of the child. As used in this
568 subdivision, "thorough adoption assessment" means conducting and
569 documenting face-to-face interviews with the child, foster care
570 providers [,] and other significant parties and "child specific
571 recruitment" means recruiting an adoptive placement targeted to meet
572 the individual needs of the specific child, including, but not limited to,
573 use of the media, use of photo-listing services and any other in-state or
574 out-of-state resources that may be used to meet the specific needs of
575 the child, unless there are extenuating circumstances that indicate that
576 [these] such efforts are not in the best interest of the child.

577 (l) The Commissioner of Children and Families shall pay directly to
578 the person or persons furnishing goods or services determined by said
579 commissioner to be necessary for the care and maintenance of such
580 child or youth the reasonable expense thereof, payment to be made at
581 intervals determined by said commissioner; and the Comptroller shall
582 draw his order on the Treasurer, from time to time, for such part of the
583 appropriation for care of committed children or youth as may be
584 needed in order to enable the commissioner to make such payments.
585 [Said] The commissioner shall include in [his] the department's annual
586 budget a sum estimated to be sufficient to carry out the provisions of
587 this section. Notwithstanding that any such child or youth has income

588 or estate, the commissioner may pay the cost of care and maintenance
589 of such child or youth. The commissioner may bill to and collect from
590 the person in charge of the estate of any child or youth aided under
591 this chapter, including his decedent estate, or the payee of such child's
592 or youth's income, the total amount expended for care of such child or
593 youth or such portion thereof as any such estate or payee is able to
594 reimburse.

595 (m) The commissioner, a parent or the child's attorney may file a
596 motion to revoke a commitment, and, upon finding that cause for
597 commitment no longer exists, and that such revocation is in the best
598 [interest and welfare] interests of such child or youth, the court may
599 revoke the commitment of [any] such child or youth. No such motion
600 shall be filed more often than once every six months.

601 (n) Upon service on the parent, guardian or other person having
602 control of the child or youth of any order issued by the court pursuant
603 to the provisions of subsections (b) and (j) of this section, the child or
604 youth concerned shall be surrendered to the person serving the order
605 who shall forthwith deliver the child or youth to the person, agency,
606 department or institution awarded custody in [such] the order. Upon
607 refusal of the parent, guardian or other person having control of the
608 child or youth to surrender the child or youth as provided in the order,
609 the court may cause a warrant to be issued charging the parent,
610 guardian or other person having control of the child or youth with
611 contempt of court. If the person arrested is found in contempt of court,
612 the court may order such person confined until [he purges himself of
613 contempt] the person complies with the order, but for not more than
614 six months, or may fine such person not more than five hundred
615 dollars, or both.

616 (o) A foster parent shall have the right to be heard for the purposes
617 of this section in Superior Court on a motion for review of a
618 permanency plan and in matters concerning the placement or
619 revocation of commitment of a foster child living with such parent. A
620 foster parent shall receive notice of any motion for review of a

621 permanency plan or a motion to revoke commitment or any hearing on
622 such motion. A foster parent who has cared for a child or youth for not
623 less than six months shall have the right to be heard and comment on
624 the best interests of such child or youth in any matter under this
625 section which is brought not more than one year after the last day the
626 foster parent provided such care.

627 (p) Upon motion of any sibling of any child committed to the
628 Department of Children and Families pursuant to this section, such
629 sibling shall have the right to be heard concerning visitation with, and
630 placement of, any such child. In awarding any visitation or modifying
631 any placement, the court shall be guided by the best interests of all
632 siblings affected by such determination.

633 (q) The provisions of section 17a-152, regarding placement of a child
634 from another state, and section 17a-175, regarding the Interstate
635 Compact on the Placement of Children, shall apply to placements
636 pursuant to this section.

637 Sec. 507. Section 17a-42 of the general statutes is repealed and the
638 following is substituted in lieu thereof (*Effective October 1, 2006*):

639 (a) There is established within the Department of Children and
640 Families a photo-listing service which shall include, but need not be
641 limited to, a book and an electronic format containing a photograph
642 and description of each child to be photo-listed. Such book and its
643 electronic format shall be distributed to all child care and child-placing
644 agencies, as such terms are defined in section 45a-707, and to other
645 organizations concerned with adoption. Such photo-listing service
646 shall recruit adoptive families for children who are legally free for
647 adoption under section 45a-725, and have remained in foster care or
648 institutions for a period of thirty days or more, such thirty days to
649 include any period of foster or institutional care immediately
650 preceding the date on which such child was legally free for adoption.
651 Such photo-listing service may recruit prospective adoptive families
652 for children who are not yet legally free for adoption under section

653 45a-725, provided the court has approved a permanency plan for
654 adoption pursuant to subdivision [(3)] (4) of subsection (k) of section
655 46b-129, as amended by this act. The Commissioner of Children and
656 Families shall employ under the commissioner's direction and control
657 such persons as the commissioner deems necessary for the effective
658 performance of such photo-listing service.

659 (b) Under sections 17a-112 and 45a-717, the court may order that a
660 child be photo-listed [within] not later than thirty days [of] after the
661 termination of parental rights as a condition of granting an order of
662 termination of parental rights if the court determines that it is in the
663 best interests of the child. Under subdivision [(3)] (4) of subsection (k)
664 of section 46b-129, as amended by this act, the court may order that a
665 child be photo-listed [within] not later than thirty days [of] after the
666 approval of a permanency plan for adoption if the court determines
667 that it is in the best interest of the child. The court shall not order that a
668 child twelve years of age or older be photo-listed unless [such] the
669 child consents to such photo-listing.

670 (c) [Said] The commissioner shall adopt regulations, in accordance
671 with [the provisions of] chapter 54, to implement and maintain [a] the
672 photo-listing service established in this section. Such regulations shall
673 include, but not be limited to, procedures for registration of children
674 with the photo-listing service and format and media selection for
675 presenting photo-listed children to the public. The commissioner shall,
676 within available appropriations, (1) establish, maintain and distribute a
677 photo-listing service book, [The commissioner, within available
678 appropriations, shall] and (2) contract with a nonprofit agency to
679 establish and maintain the photo-listing service in its electronic
680 format."